

REMARKS/ARGUMENTS

The Examiner states that the inventions of the Groups I and II are related as product and process of use under M.P.E.P. § 806.05(h) and the product, as claimed, can be used in a materially different process, such as the formation of a polyurea. However, the fact that the catalyst can be used in the formation of a polyurethane foam, which requires reacting a polyol with a polyisocyanate in the presence of the catalyst of the present invention and a blowing agent, does not indicate that the catalyst would function in a reaction to produce a polyurea, which uses as a starting product urea, which is totally different from the polyisocyanate of the process of the claims of Group II. The Examiner has given no reasons to support the proposition that the catalyst of the claims of Group I may be used in a process to form a polyurea. Therefore, it is submitted that the Examiner has not met the requirements of M.P.E.P. § 806.05(h) for restricting Groups I and II and it is requested that the claims of Groups I and II be rejoined and examined in the present application.

Further, if the claims of Group I are ultimately found allowable, it is requested that the claims of Group II be rejoined under M.P.E.P. § 821.04 and allowed in the present application, also.

Finally, Applicants traverse the Restriction Requirement on the grounds that the Patent and Trademark Office has not shown that a burden exists in searching all of the claims. Applicants respectfully point out that thousands of U.S. patents have issued in which many more than two subclasses have been searched, and the Patent and Trademark Office cannot reasonably assert that a burden exists in searching only two subclasses.

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Reply to Restriction Requirement of August 27, 2004

Accordingly, for the reasons presented above, Applicants submit that the Patent and Trademark Office has failed to meet the burden necessary to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

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